

**BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO
AS A DULY CONSTITUTED ELECTORAL BOARD**

Objections of: Wayne Grzywacz)
)
)
To the Nomination) No.: 12-EB-RGA-01
Papers of: Josip "Joe" Trutin)
)
Candidate for the nomination of the)
Democratic Party for the office of)
Representative in the General Assembly for the)
2nd Representative District, State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Wayne Grzywacz (“Objector”) to the nomination papers (“Nomination Papers”) of Josip "Joe" Trutin, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011, at 8:30 AM, in Room 800, 69 West Washington Street, Chicago Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Joseph Morris for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, Wayne Grzywacz, by attorneys Daniel Johnson and Michael J. Kasper; and the Candidate, Josip "Joe" Trutin, by attorneys Steven W. Becker and Adolfo Mondragon.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objector and/or his duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:
 - A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500.
 - B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 714.
 - C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 227.
 - D. The remaining number of signatures deemed valid as a result of the records examination total 487.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of Democratic Party to the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois.

14. The Hearing Officer conducted a hearing to allow the Candidate and the Objector an opportunity to present evidence in support of their respective Rule 8 motions objecting to the Board's clerk's findings during the records examination.

15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 535 valid signatures, which exceeds the minimum


number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

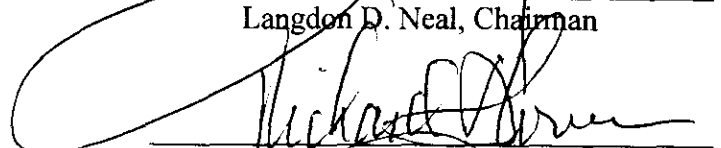
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Josip "Joe" Trutin are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Wayne Grzywacz to the Nomination Papers of Josip "Joe" Trutin, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Josip "Joe" Trutin, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

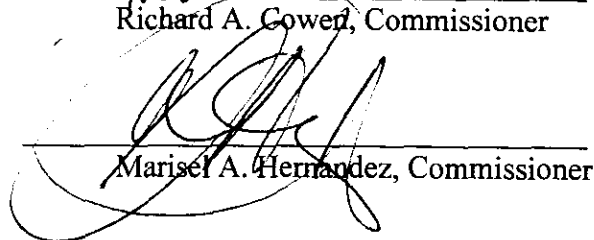
Dated: Chicago, Illinois, on January 20, 2012.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

2. It appeared from the Sheriff's returns of service that there had been regular and timely service of process upon both the Objector and the Candidate. This was confirmed by the parties, who acknowledged timely receipt of the Call and of notice of the proceeding, and who orally waived any objections to such notice. The parties filed, and exchanged with each other, their written appearances.

3. Without objection, the Candidate's nomination papers for the office of Representative in the General Assembly for the 2nd State Representative District were admitted into the record as Board Group Exhibit A; the Objector's Petition and attachments were admitted into the record as Board Group Exhibit B; the returns of service of process by the Sheriff of Cook County, Illinois, were admitted into the record as Board Group Exhibit C; and the parties' written appearances were admitted into the record as Board Group Exhibit D.

4. The Candidate waived the filing of a written motion to strike and dismiss the Objector's Petition. The parties agreed that there was only one issue in the case: Whether or not the Candidate's nomination papers are supported by a numerically sufficient number of valid signatures of qualified registered voters. The parties agreed that the issues should be resolved by a Record Examination. The parties further agreed that the minimum number of valid signatures of qualified registered voters required for the sufficiency of the nomination papers is 500. A Record Examination was directed.

Proceedings Under Rule 8 on Initial Report of Record Examination

5. On December 23, 2011, a Report of Record Examination was issued by the Record Examiners. The Final Petition Detail Report, including the decisions of the Board's Handwriting

Expert, James Hayes, showed that the Record Examiners determined that the Candidate's nomination papers were supported by 487 valid signatures, 13 signatures fewer than the required minimum of 500 signatures. Both the Candidate and the Objector filed timely motions under Rule 8 of the Rules of Procedure of the Electoral Board.

6. On December 26, 2011, in aid of the efforts of the parties to obtain, gather, and present evidence pertinent to the validity of petition signatures, the Hearing Officer entered an order setting forth a timetable and procedures by which the parties could apply for, obtain, and exchange with each other prior to an evidentiary hearing, sundry records of the Board, and directing the staff of the Board, subject to specified procedures and safeguards, to comply with such applications for records.

7. On December 30, 2011, an evidentiary hearing was held on the Rule 8 motions of the parties. Messrs. Kasper, Morphew, and Keigher attended on behalf of the Objector and Messrs. Becker and Mondragón attended on behalf of the Candidate, who was present in his proper person. In the course of the hearing the Objector introduced Objector's Exhibits 1 through 20, which were received into evidence without objection; and the Candidate introduced Respondent's Exhibits 1 through 31 and 33 through 46, which were also received into evidence without objection.

a. The Hearing Officer first took up the Candidate's Rule 8 motion and for each of the 97 signatures at issue in the Candidate's Rule 8 motion, examined the relevant petition sheet attached to the Candidate's nomination papers, examined the relevant recapitulation of objections sheet attached to the Objector's Verified Objector's Petition, inspected the Examiners' Report, considered the evidence proffered by the parties, and heard the arguments of the parties' counsel, ruled as follows:

- (1) Overruled the Record Examiners with respect to five signatures (Sheet 1, Line 7; Sheet 1, Line 8; Sheet 5, Line 14 (overruled both as to registration at the address stated and as to genuineness of signature); Sheet 6, Line 4; and Sheet 33, Line 11), thus finding by a preponderance of the evidence that 5 signatures determined by the Record Examiners to be non-genuine were, in fact, genuine and thus valid.
- (2) Sustained the Record Examiners with respect to three signatures (Sheet 5, Line 5; Sheet 50, Line 15; and Sheet 55, Line 4), thus finding by a preponderance of the evidence that 3 signatures determined by the Record Examiners to be non-genuine were, indeed, non-genuine and thus invalid.
- (3) Reserved ruling with respect to 30 signatures (Sheet 1, Line 1; Sheet 4, Line 2; Sheet 5, Line 12; Sheet 6, Line 5; Sheet 6, Line 15; Sheet 7, Line 9; Sheet 33, Line 1; Sheet 34, Line 10; Sheet 35, Line 2; Sheet 35, Line 4; Sheet 35, Line 5; Sheet 38, Line 8; Sheet 39, Line 14; Sheet 40, Line 9; Sheet 42, Line 12; Sheet 43, Line 7; Sheet 44, Line 1; Sheet 44, Line 8; Sheet 45, Line 1; Sheet 45, Line 2; Sheet 45, Line 3; Sheet 45, Line 11; Sheet 47, Line 2; Sheet 47, Line 14 (overruled as to registration at address stated, reserved as to genuineness of signature); Sheet 48, Line 5; Sheet 49, Line 7; Sheet 49, Line 10; Sheet 50, Line 11; Sheet 57, Line 1; and Sheet 57, Line 7), pending re-review of the same by the Board's Handwriting Expert in light of the relevant evidence, particularly rehabilitative affidavits, proffered by the parties.

All remaining items preserved by the Candidate's Rule 8 motion for review by the Hearing Officer and the Electoral Board were withdrawn by the Candidate. At the conclusion of the Hearing

Officer's consideration of the Candidate's Rule 8 motion, and subject to the 30 items on which the Hearing Officer has reserved ruling, the Candidate had succeeded in rehabilitating a total of five signatures and it then appeared that his nomination papers were supported by 492 valid signatures, eight signatures fewer than the required minimum of 500.

b. The Hearing Officer then took up the Objector's Rule 8 motion and for each of the 166 signatures at issue in the Candidate's Rule 8 motion, examined the relevant petition sheet attached to the Candidate's nomination papers, examined the relevant recapitulation of objections sheet attached to the Objector's Verified Objector's Petition, inspected the Examiners' Report, considered the evidence proffered by the parties, and heard the arguments of the parties' counsel, ruled as follows:

- (1) Overruled the Record Examiners with respect to three signatures (Sheet 9, Line 7; Sheet 47, Line 10; and Sheet 60, Line 8, thus finding by a preponderance of the evidence that 3 signatures determined by the Record Examiners to be valid were, in fact, invalid.
- (2) Sustained the Record Examiners with respect to 17 signatures (Sheet 1, Line 9; Sheet 4, Line 8; Sheet 10, Line 2; Sheet 14, Line 10; Sheet 16, Line 5; Sheet 19, Line 6; Sheet 23, Line 2; Sheet 24, Line 2; Sheet 32, Line 7; Sheet 37, Line 4; Sheet 40, Line 8; Sheet 41, Line 7; Sheet 43, Line 5; Sheet 47, Line 15; Sheet 50, Line 14; Sheet 52, Line 15; and Sheet 57, Line 11), thus finding by a preponderance of the evidence that 17 signatures determined by the Record Examiners to be genuine were, indeed, genuine and thus valid.
 - (i) With respect to one of the signatures, that appearing at Sheet 32, Line

7, the Objector argued that the signature appeared to be duplicative of another signature, set forth with the same address, appearing on the same sheet on another line, and further presented evidence that, at the address stated at the time of the execution of the circulator's affidavit, there was registered at that address only one voter with the name given on the two lines, and, therefore, the Objector moved to invalidate one of the two signatures on grounds of impermissible duplicativeness. The Hearing Officer denied the motion, however, on the grounds that genuineness and registration at the address stated, and not duplication, were the bases set forth in the Objector's Verified Objector's Petition for his challenge to the said signature; that "duplication of signature" is a basis for challenge separate and distinct from a challenge based on the "genuineness" of a signature and from a challenge based on the proposition that the signatory "is not registered at the address stated" and, thus, in context, is a new basis for challenge not previously alleged; that offering a new basis for challenge to a signature in the course of an evidentiary hearing on a Rule 8 motion, even though the proffered proofs seem to be persuasive and the new basis for challenge seems, on its face, to be meritorious, is tantamount to amending the Objector's Verified Objector's Petition; and the Election Code does not permit the amendment of an objector's petition, once the time for the filing of objectors' petitions has ended. *Delay v. Board of Election Commissioners*, 312 Ill.App.3d 206, 726 N.E.2d 755 (Ill.App. 1st Dist. 2000), citing *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 638 N.E.2d 782 (2d Dist. 1994). It is not an abuse of discretion for the Hearing Officer, or the Electoral Board, to refuse to permit

an untimely amendment of an objector's petition. *Stein v. Cook County Officers Electoral Board*, 264 Ill.App.3d 447, 636 N.E.2d 1060 (1st Dist. 1994).*

All remaining items preserved by the Objector's Rule 8 motion for review by the Hearing Officer and the Electoral Board were withdrawn by the Objector. At the conclusion of the Hearing Officer's consideration of both the Candidate's Rule 8 motion and the Objector's Rule 8 motion, and subject to the 30 items on which the Hearing Officer had reserved ruling, the Candidate had succeeded in rehabilitating a total of five signatures and it then appeared that his nomination papers were supported by a net sum of 489 valid signatures, being 11 signatures fewer than the required minimum of 500. The Hearing Officer recessed the evidentiary hearing, pending his referral of a number of items raised by the Candidate on the Candidate's Rule 8 motion and of the evidence adduced pertaining thereto, to the Board's Handwriting Expert for reconsideration of certain determinations made by the Handwriting Expert during the Records Examination and the response thereto of the Handwriting Expert.

* *Cf., Mitchell v. Cook County Officers Electoral Board*, 399 Ill.App.3d 18, 924 N.E.2d 585 (1st Dist. 2010) ("There is nothing to indicate a duty or responsibility, on the part of the Board to sua sponte raise issues or objections. That is the unique province of the objector. Similarly, there is nothing to indicate that an objector is foreclosed from raising additional issues during the course of the proceedings or from arguing them in seeking relief.") Notwithstanding the dictum set forth in the third sentence quoted in the foregoing parenthetical from the decision of the Illinois Appellate Court in *Mitchell*, the Hearing Officer does not equate "raising additional issues during the course of the proceedings or from arguing them in seeking relief" with the adding of a new basis for objection to a signature during review of the Examiners' Report on a Rule 8 motion, particularly where the new basis for challenge is not set forth in the Rule 8 motion, but is offered orally during evidentiary proceedings on the Rule 8 motion. What is more, in the very unusual context of *Mitchell*, the Court's reference to "additional issues", especially those to be argued "in seeking relief", seems to relate, not to newly-identified objections but to a "pattern" of fraud, or of deceit, or of misconduct emerging from an overview of objections initially made, properly proven, and rightly sustained. In the instant case, one signature does not a pattern make. In any event, even were the single signature here in question held invalid, it would not appear to affect the arithmetic that decided the outcome of this case.

Referral to Board's Handwriting Expert for Reconsideration and Proceedings Thereon

8. On December 30, 2011, by order, the Hearing Officer referred to the Board's Handwriting Expert 30 items relating to genuineness of signature that, during the Record Examination, the Handwriting Expert had determined to be non-genuine. The said 30 items were raised in the Candidate's Rule 8 motion, seasonably filed subsequent to issuance of the Report of Record Examination. Also included in the referral, for examination and consideration by the Handwriting Expert, were the exhibits adduced during the evidentiary hearing and pertaining to those 30 items. A copy of the Hearing Officer's referral order of December 30, 2011, to which were annexed the pertinent exhibits (Respondent's Exhibits Nos. 3, 4, 6, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 45, and 46). A copy of the Hearing Officer's Order (Referral to Board's Handwriting Expert) of December 30, 2011, is attached hereto as Appendix A.

9. On January 2, 2012, in response to the Hearing Officer's referral order of December 30, 2011, the Board's Handwriting Expert issued a revised Report of Record Examination in which he reported that he now determined that, of a total of 714 signatures submitted in the Candidate's nomination papers, and to which 414 had been objected by the Objector and to which 300 were not objected, a total of 508 were found to be valid, being eight signatures more than the required minimum of 500.

10. On January 3, 2012, the evidentiary hearing on the parties' respective Rule 8 motions reconvened. Both parties were present by their counsel (Mr. Kasper, Mr. Keigher, and Mr. Morpew for the Objector and Mr. Becker and Mr. Mondragón for the Candidate) and the Candidate was present in his proper person. James L. Hayes, the Board's Handwriting Expert, was also present.

a. After a preliminary discussion among the Hearing Officer and counsel, James L. Hayes was called by the Hearing Officer as a Board witness, was sworn, and testified, under direct examination by the Hearing Officer and by counsel for the parties, and under cross-examination, re-direct examination, and re-cross examination by counsel for the parties until the Hearing Officer and counsel for the parties had exhausted all questions. No questions by counsel for the parties were objected to, and no questions by counsel for the parties were ruled out of order. The parties had a thorough and uninhibited opportunity for a robust and searching examination of the witness. Witness Hayes testified preliminarily regarding his background and experience in handwriting analysis and identification.

b. Witness Hayes then testified regarding the 30 items referred to him in the Hearing Officer's order of December 30, 2012. In material summary, Witness Hayes testified that, as requested in the referral order, he initially reconsidered 30 signatures. He did so on or before January 2, 2012, and, in doing so he compared the 30 signatures, as they appeared on the petition signature sheets that were part of the Candidates' nomination papers, with signatures appearing in both the registration records maintained by the Board, which he had previously examined, and with signatures appearing on the affidavits submitted in evidence by the Candidate and annexed to the referral order. On the basis of that reconsideration, he testified, he initially reversed himself with respect to 25 signatures, now determining them to be valid, and affirmed himself with respect to five signatures, continuing to determine them to be invalid. Witness Hayes further testified that, during the discussion among the Hearing Officer and counsel that preceded his testimony during the hearing that day, he heard Mr. Becker, one of counsel for the Candidate, state that, where the names of affiants were hand-printed (as opposed to signed in cursive) on the affidavits that were included

among the exhibits annexed to the referral order, the hand-printing had been done by the affiants themselves. Accordingly Witness Hayes testified that, while he was waiting to be called to testify, and having with him a copy of the referral order and all its attachments, he reconsidered for a second time his previous determinations with respect to petition signatures that were printed rather than written in cursive, now comparing them against both registration records and printed names appearing in the affidavits annexed to the referral order. On the basis of this information, he testified, he reconsidered anew four instances where printed names appeared in the Candidate's petition sheets that the witness had previously ruled invalid and, of these four purported signatures, he now reversed himself with respect to three printed signatures, determining them to be valid, and affirmed himself with respect to one printed signature, continuing to determine it be invalid.

c. To recapitulate, in his first reconsideration undertaken pursuant to the referral order, Witness Hayes determined that of the 30 referred signatures, all previously determined to be invalid, he then determined 25 to be valid and five to be invalid; and in his second reconsideration, performed right in the hearing room on January 3, 2012, after giving special attention to four printed signatures (of the total of 30 signatures, some printed and some cursive, referred), he now determined that, of the 30 referred signatures, a total of 28 were valid and 2 were invalid. Thus, following his reconsiderations in response to the referral order, he now determined that the Candidate's nomination papers were supported by 536 valid signatures, or 36 signatures more than the minimum requirement of 500.

d. Witness Hayes was subjected to examination, cross-examination, re-direct examination, and re-cross examination on a line-by-line basis of each of his rulings on the referral. The copy of the referral order, including its attachments, that Witness Hayes used in his

reconsiderations, on which he marked his determinations (typically putting mark of "S" or "similar" on an exhibit when he reversed himself and determined that a signature was genuine, and marking "no change" on an exhibit when he affirmed himself and continued to determine that a signature was not genuine), and from which he testified at the hearing, was, without objection, admitted into evidence as Board Exhibit E.

e. During his testimony Witness Hayes was examined carefully by the Hearing Officer and the parties regarding the source of his belief that the printed handwriting of an affiant's name on an affidavit attached to the referral order was the affiant, and he admitted that the sole source of that belief was the non-evidentiary statement made by Mr. Becker in argument to the Hearing Officer that preceded the testimony of Mr. Hayes. The Hearing Officer, without exception by any party, found on the record that there was no text in any of the relevant affidavits that purported to declare that, where the name of an affiant appeared in printing on the affidavit that the printing had been done by the affiant himself, and that there was no evidence of any kind in the record to establish the identity of any person who printed any name on an affidavit.

f. Accordingly, the Hearing Officer stated on the record, it appeared that, were the Hearing Officer to accept the findings of the Board's Handwriting Expert after reconsideration pursuant to the referral order, except to ignore those reconsiderations made based upon evidence *dehors* the record regarding the authenticity of printing samples, the Board's Handwriting Expert was modifying the Report of Records Examination to shift a total of 25 signatures from "invalid" to "valid". Thus, the total of valid signatures now reported by the Records Examiners was 533, or 33 more than the minimum requirement of 500.

g. Pursuant to the Hearing Officer's order of December 30, 2012, the Hearing Officer reaffirmed that any and all objections by the parties to the determinations of the Board's Handwriting Expert were preserved without requirement of any further motion, and the parties would be accorded an opportunity to present evidence and argument concerning the Handwriting Expert's determinations, including on reconsideration pursuant to the referral order. A timetable for the identification and exchange of exhibits and the exchange of witness lists was established and the evidentiary hearing was recessed, subject to reconvening on January 6, 2012.

Concluding Evidentiary Proceedings

11. On January 6, 2012, the evidentiary hearing on the parties' respective Rule 8 motions reconvened. Both parties were present by their counsel (Mr. Kasper, Mr. Keigher, and Mr. Morpew for the Objector and Mr. Becker and Mr. Mondragón for the Candidate) and the Candidate was present in his proper person. Each party waived the right to present additional evidence and the record was closed. Brief oral statements were made on behalf of each party and the evidentiary hearing was adjourned.

12. In their initial report, the Record Examiners, including the Board's Handwriting Expert, determined that 487 signatures submitted as part of the Candidate's nomination papers were valid. After reconsideration pursuant to the referral order of December 30, 2011, (and discounting the Handwriting Expert's second reconsideration, based on an assumption not supported by evidence in the record), the final report of the Record Examiners, including the Board's Handwriting Expert, determined that 533 valid petition signatures were submitted as part of the Candidate's nomination papers. The Hearing Officer previously found that two signatures determined by the Record Examiners to be invalid (and not included in the referral to the Board's Handwriting Expert) were,

in fact, valid; *see* Paragraph 7 of this Report, *supra*. Having examined the original petition sheets submitted by the Candidate, having examined the recapitulation of objection sheets filed by the Objector, having carefully considered the documentary evidence submitted by the parties, having heard the testimony of the Board's Handwriting Expert, James L. Hayes and having carefully assessed the expertise and credibility of the witness, and having listened to the arguments of the parties, the Hearing Officer is persuaded, and finds, that the preponderance of the evidence shows that the Candidate's nomination papers were supported by 535 valid petition signatures.**

Recommended Finding, Conclusions, and Decision

13. On the bases of a facial examination of the nomination papers, of the Objector's Petition and attachments, of the exhibits submitted herein, of the oral testimony taken and heard, and in the light of all the evidence, the Hearing Examiner recommends that the Electoral Board enter the following finding of fact:

The nomination papers submitted by the Candidate are supported by the signatures of 535 duly registered voters of the 2nd Representative District of the State of Illinois, being more than the signatures of 500 duly registered voters of said district.

14. The Hearing Examiner recommends that the Electoral Board enter the following conclusions of law:

a. The nomination papers of the Candidate are supported by more than the minimum number required by law of signatures of persons duly registered to vote in the 2nd

** Even were the late objection to an alleged duplicative signature (*see* Paragraph 7b(2)(i), *supra*) allowed, the Candidate would still have 534 valid signatures, more than enough to sustain his nomination papers.

Representative District of the State of Illinois.

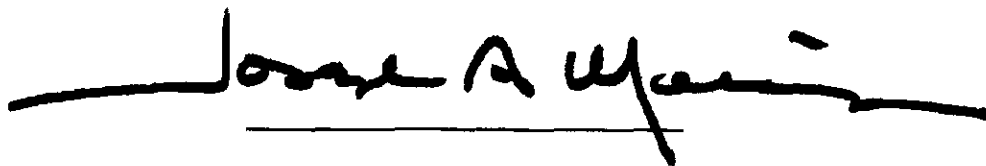
- b. The Verified Objector's Petition is not well founded.
- c. The nomination papers filed by the Candidate substantially comply with the requirements of law.

15. The Hearing Examiner recommends that the Electoral Board enter the following final administrative decision:

The name of JOSIP "JOE" TRUTIN shall appear and shall be printed on the ballot for the nomination of the Democratic Party for the Office of Representative in the Illinois General Assembly for the 2nd Representative District to be voted for in the General Primary Election to be held on March 20, 2012.

Dated: January 17, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Morris", written over a horizontal line.

JOSEPH A. MORRIS
Hearing Officer

APPENDIX A

BEFORE
 THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
 AS THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OBJECTIONS
 TO NOMINATION PAPERS OF CANDIDATES
 FOR THE MARCH 20, 2012, GENERAL PRIMARY ELECTION
 FOR THE NOMINATION OF THE DEMOCRATIC PARTY
 FOR THE OFFICE OF
 REPRESENTATIVE IN THE ILLINOIS GENERAL ASSEMBLY
 FOR THE 2ND REPRESENTATIVE DISTRICT

WAYNE GRZYWACZ,)	
)	
<i>Petitioner-Objector,</i>)	
)	No. 12-EB-RGA-01
vs.)	
)	Hearing Officer Morris
JOSIP "JOE" TRUTIN,)	
)	
<i>Respondent-Candidate.</i>)	

ORDER
 (Referral to Board's Handwriting Expert)

This matter coming on for hearing on the respective motions of the parties pursuant to Rule 8 of the Rules of Procedure of the Electoral Board, and an evidentiary hearing thereon having been held; and new evidence, not previously examined by the Board's Handwriting Expert, having been received into the record; and said new evidence purporting to set forth claims respecting, and additional exemplars of the handwriting, of sundry putative signatories of the Candidate's petition sheets whose signatures were previously determined by the Board's Handwriting Expert to be not genuine; and the Hearing Officer being fully advised in the premises;

IT IS HEREBY ORDERED:

1. The Hearing Officer hereby refers to the Board's Handwriting Expert certain determinations heretofore made by the Board's Handwriting Expert that specified signatures

appearing on the petition sheets submitted as part of the Candidate's nomination papers were not genuine, for reconsideration by the Board's Handwriting Expert of those determinations in light of new evidence received into the record of this proceeding (which new evidence is identified below and copies of which are attached hereto), as follows:

<u>Sheet</u>	<u>Line</u>	<u>Name of Purported Signatory</u>	<u>New Evidence (Exhibit Nos.)</u>
1	10	Josephine Palomino	Respondent's Exhibit 3
4	2	Nancy Camacho	Respondent's Exhibit 4
5	12	Erminia Lozano	Respondent's Exhibit 6
6	5	Araceli Navarrete	Respondent's Exhibit 11
6	15	Lucinda Serrano	Respondent's Exhibit 12
7	9	Dennis Schaade	Respondent's Exhibit 13
33	1	Stephen John Kreis	Respondent's Exhibit 14
34	10	Michael J. Palomino	Respondent's Exhibit 17
35	2	Henry Yau	Respondent's Exhibit 18
35	4	Rosalie Yau	Respondent's Exhibit 19
35	5	Henry Yau	Respondent's Exhibit 20
38	8	Joe Beslic	Respondent's Exhibit 21
39	14	Eduardo Navarro	Respondent's Exhibit 22
40	9	Matthew S. Karnoscak	Respondent's Exhibit 23
42	12	Ramiro Juarez	Respondent's Exhibit 24
43	7	Mary Mongolis	Respondent's Exhibit 25
44	1	Mark Lennon	Respondent's Exhibit 26

<u>Sheet</u>	<u>Line</u>	<u>Name of Purported Signatory</u>	<u>New Evidence (Exhibit Nos.)</u>
44	8	Elizabeth Kuziela	Respondent's Exhibit 27
45	1	Daniel Nino	Respondent's Exhibit 28
45	2	Sandra Nino	Respondent's Exhibit 29
45	3	Lillian Toro Renteria	Respondent's Exhibit 30
45	11	Joe Perez	Respondent's Exhibit 31
47	2	Mark Alvarado	Respondent's Exhibit 33
47	14	Michael Anthony Ziolkowski	Respondent's Exhibits 34 and 35
48	5	David Anthony Johnson	Respondent's Exhibit 36
49	7	Anamarie Gauthier	Respondent's Exhibit 37
49	10	Esteban D. Arellano	Respondent's Exhibit 38
50	11	Fabian Arroyo	Respondent's Exhibit 39
57	1	Veronica Gouveia	Respondent's Exhibit 45
57	7	Nancy Camacho	Respondent's Exhibit 46

2. In each instance, as set forth above, the Board's Handwriting Expert is respectfully requested to reconsider, on the basis of the specified new evidence, his decision that each of the signatures listed above was not genuine and, upon such reconsideration, either reaffirm his prior determination or reverse his prior determination; and to advise the Hearing Officer accordingly.

3. In the event that the Board's Handwriting Expert accepts this referral and reconsiders his prior determinations, then, not inconsistent with Rule 8(d)(ii)(1) of the Rules of Procedure of the Electoral Board, regardless of whether the Board's Handwriting Expert reaffirms or reverses a prior

determination, each party is deemed to have preserved his right to seek present evidence or argument of any kind with respect to the determination, if any, upon reconsideration by the Board's Handwriting Expert.

4. The Clerk of the Board shall serve upon counsel for the parties copies of the determinations of the Board's Handwriting Expert upon reconsideration, if any.

5. This matter is continued for hearing on the status of reconsideration, if any, by the Board's Handwriting Expert on Tuesday, January 3, 2012, at 1:30 p.m.

6. The Clerk of the Board shall serve upon counsel for the parties copies of this Order.

Enter:

/s/ JOSEPH A. MORRIS

Hearing Officer

Dated: December 30, 2011.